

Town of



AMHERST

Massachusetts

Amherst Police Department
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Beryl Lipton
MuckRock News
Somerville, Massachusetts 02144
VIA Electronic Mail: 82300-13584003@requests.muckrock.com

The Amherst Police Department is in receipt of the public records request filed on October 28, 2019. The public records request is very broad and asks for materials. The belief of this respondent is that materials mean records, documents and recordings in the true sense of a public records request. Please clarify if there are additional requests.

Statistics

January 1, 2018-September 30, 2019

Domestic Violence Calls for Service: 350
Criminals Charges or Arrest: 103

Policies Guiding Law Enforcement

Amherst Police personnel are governed by several policies regarding the response to incidents of domestic violence. Attached to this response are the following:

1. Amherst Personnel By-Law
2. Amherst Police Department Policy #1, Arrest
3. Amherst Police Department Policy #84, Domestic Violence Involving Police Officer
4. Amherst Police Department Policy #63, Internal Affairs
5. Section I, Rules and Regulations

Reports of Domestic Violence

Reports regarding domestic violence response, investigations surrounding domestic violence, and even the arrest of offenders during or as a result of domestic violence incidents are exempt from

release as Massachusetts Public Records. The reasons for exemption are cited in various locations, but most notable are the following:

Exemption A

Under Exemption A, a records custodian may withhold those records that are “specifically or by necessary implication exempted from disclosure by statute.” One such statute, Chapter 214 Section 1B, prohibits disclosure of information that may constitute an unreasonable, substantial, or serious invasion of personal privacy. Matters related to domestic violence, the disposition of children, financial status, and fear of reprisal are significant parts of the sum of domestic violence response. Equally important is that the release of certain arrest records may be withheld pursuant to the Criminal Offender Record Information statute.

Massachusetts General Laws Chapter 41, Sections 97D and 98F both address records that are kept by the police regarding domestic violence, the subsequent investigations, and the statutory requirement to keep the private.

Confidentiality of Reports: Chapter 41 Section 97D

All reports, including communications between police officers and victims of domestic violence/abuse perpetrated by family or household members, rape and sexual assault are confidential, and are not public records. Violation of this section shall be punished by imprisonment of 1 year and/or fined \$1,000.00.

- Police departments shall ensure the confidentiality of domestic violence records including information regarding the identity of a victim or children and any medical information or statement by witnesses.
- Victims of domestic violence have a strong privacy interest in this type of information— whether contained in the initial incident report or supplemental reports. With the exception of the complete report's release to the victim, reports should be reviewed and redacted accordingly in response to other requests.

Police Department Log: Chapter 41 Section 98F

The following entries shall be kept in a separate log and shall not be a public record, nor shall such entries be disclosed to the public:

- Any entry which pertains to those who are handicapped, confined to a wheelchair, bedridden, or required to use of a device designed to provide in mobility.
- Any information concerning the response to reports of domestic violence, rape, sexual assault.
- Any entry concerning the arrest of a person for assault, assault and battery or violation of a protective order where the victim is a family or household member as defined in the Massachusetts General Law.

Exemption F

Pursuant to exemption (f), personal identifying information is exempt from disclosure. In particular, this exemption allows for private citizens to provide information about matters under investigation. The very heart of investigating domestic violence incidents is recognizing the complexity of them, including the necessity for people who feel victimized to be willing to call for help. This exemption was created to encourage people to come forward and co-operate with the

police in matters under investigation. For this reason, the exemption permits the permanent withholding of any details that would tend to identify complainants, witnesses or voluntary informants, even in those instances where an investigation has concluded. Worcester Telegram & Gazette Corp., 58 Mass. App. Ct. 1, 11 n. 10 (2003).

Please contact me directly to clarify any of this response. Pursuant to 950 CMR 32.08, you may appeal this response to the Supervisor of Public Records within 90 days.

There is no fee associated with this response.

Respectfully,



Ronald A. Young
Captain

CC: Scott P. Livingstone, Chief of Police
Joy Jolic, Amherst Police Department Records Bureau